



United States Department of the Interior



Bureau of Land Management

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Ms. Wendy R. Dixon, EIS Project Manager
M/S 010
US Department of Energy
Office of Civilian Radioactive Waste Management
Yucca Mountain Site Characterization Office
PO Box 30307
North Las Vegas, NV 89036-0307

Dear Ms. Dixon:

Enclosed are comments on the *Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada*. These comments are the result of review of the document by resource specialists in the Battle Mountain and Tonopah offices of the Bureau of Land Management. If you have any comments or questions, please contact Gary Foulkes, Planning and Environmental Coordinator, at 775-635-4060.

Sincerely,

M. Lee Doughty

for Gerald M. Smith
Field Manager
Battle Mountain Field Office

cc: Brian Amme, NSO

Wild Horse Comments on the Transportation Plan to the Nuclear Repository at Yucca Mountain

Caliente Route

This route will impact the Reveille, Stone Cabin, Saulsbury, Goldfield, Stonewall, and Bullfrog Wild Horse and Burro Herd Management Areas.

Smoky Valley Route

This route will impact the Dunlap, Goldfield, Stonewall, and Bullfrog Wild Horse and Burro Herd Management Areas.

Monitor Valley Route

This route will impact the Saulsbury, Goldfield, Stonewall, and Bullfrog Wild Horse and Burro Herd Management Areas.

Impacts: The construction of a new haul road or of a rail line will result in several years (2.5 years according to the EIS) worth of disturbance to the Herd Management Areas (HMAs) which these routes will cross. Disturbance will include loss of habitat including forage and water, and may impact foaling areas and traditional winter use areas.

These animals have never seen trains before and the occurrence of such a large, noisy object may cause them to move to different areas to avoid the disturbance. Some of these areas may be outside of their current HMAs. Animals moving outside of their HMAs would have collateral damage on other programs and would likely result in the gathering and removal of these animals.

The loss of habitat is not limited to the direct ground disturbing exercises, but also includes the distance significant noise travels. This noise and activity may cause wild horses and burros to leave the area.

Direct impacts could also include being hit by the train or by the haul trucks. The EIS says "losses would be few and unlikely to affect regional populations of any species." In areas with large numbers of animals this may be true. However, in HMAs with 30 or fewer individuals, the taking of one or two individuals a year may change the entire demographics of a herd. These additional losses coupled with existing losses raises the significance of the cumulative impacts in many areas.

The alternative of using trucks along existing routes will have the least impact on the wild horse and burro resources of this area. |

Impacts to Range

Two rail routes to Yucca Mountain go through our planning area. If either of these routes continued are selected we would have larger impacts during construction than after the railroad is on page 3 finished.

Impacts from construction:

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continued
on page 4

It may become difficult to for livestock to gain access to areas and waters on the opposite side of the new construction. Cattle may avoid using areas with construction activity or temporary camps making it difficult to manage livestock or rotate use. This disruption might continue in an allotment for months. Construction would make more work for permittees. More cattle may be killed on the highway and along roads used during construction.

Impacts from the finished project:

There would be a small loss of AUMs in large allotments that are unlikely to impact the operation. The loss of AUMs in small allotments may impact the permittee's operation.

The BLM would request fencing along the railroad line. Drainage underpasses might allow cattle access to the opposite side of the railroad. These underpasses would need gates to allow access. When fenced, the railroad would block access to the opposite side of the track. This would cause problems in areas with few waters requiring water hauling. The track would divide allotment into pastures that could be used to rotate use allowing for new grazing management options. This would benefit livestock and vegetation management.

1. The Caliente route comes in from Lincoln County into Reville, Stone Cabin, Ralston, Montezuma and Razorback allotments. The new route from Caliente, the Caliente-Chalk Mountain Rail Corridor, will not cross our planning area.

Reville allotment. Goes through south end of Railroad Valley up Reville Valley across the Kawich near the Highway. This would split Reville Valley into two pastures. This provides some good opportunities for some complete rest of the range in this valley and southern Railroad Valley. Dividing Reville provides opportunities for improved grazing management. Livestock waters are well distributed in Reville. Water hauling may not be necessary in Reville. There would be a small loss of AUMs that would not likely affect the permittee's operation.

Stone Cabin allotment-Colvin and Son Goes southwest along the west side of the Kawich to the Test Site boundary into Ralston Allot. The potential rail corridor would split Tom Colvin's portion of the Stone Cabin Allotment into two separate pastures. This could be useful to us for management purposes. We could develop a three pasture rest-rotation with the two pastures in Stone Cabin and a third in the Ralston Allotment. The railroad corridor would have to be fenced off to keep Tom Colvin's cattle off the railroad tracks. New waters will also need to be developed and underpasses will need to be available for access into the other portions of the allotment. There would be a small loss of AUMs that would not likely affect the permittee's operation.

Ralston allotment-Colvin and Son Goes along the test site boundary into Montezuma allot. There are currently no permanent permits issued in the Ralston Allotment. The potential rail corridor runs through South Ralston along the test site boundary fence.

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on page 5

The BLM has issued a Temporary Nonrenewable Permit in South Ralston adjacent to the proposed track. The track will not cut off access to water and will not effect the AUMs permitted. The railroad corridor will need to be fenced through this area to keep cattle off the tracks.

Montezuma allotment. Follows the east side of the allotment until Scotty's Junction., crosses the highway and back to go around Scotty's Junction. Continues down the corridor to Razorback.

Razorback allotment. (plate 12, C, D & E, 1 & 2) At this time the permittee in Razorback is taking nonuse and will not be affected by the railroad. If in the future the rancher activates his permit the railroad will cut through the private land in Oasis Valley cutting off Coffey's ranch from the rest of the allotment. Water is available at the ranch. The area east of the ranch does not have water. There is some water available north of Oasis Valley on the Test Site. If the railroad is fenced, drainage underpasses should allow cattle access to water. The rancher may need to provide water on the northeast side of the allotment. The railroad will also cut off approximately 16 sections in the southwest end of the allotment. This includes Bare mountain and Specie Spring. No water is available on the remaining 30 sections of valley south of Yucca Mountain, east of the railroad. Drainage underpasses will provide some access to specie spring. Cattle may tend to overuse the west side of the railroad. Water should be provided on the east side of the railroad to alleviate any overuse on the west side.

2. The Carlin route has 3 different routes in our area. It starts in Beowawe goes into Lander County and splits at Hickison Summit. One route goes through Monitor Valley the other through Smoky Valley.

The Smoky Valley route cuts through Smoky, San Antone, Monte Cristo and Montezuma allotments. It meets the Caliente route south of Tonopah.

The Monitor Valley route cuts through Monitor, Ralston, San Antone and Hunts Canyon. It meets the Smoky route either north of the San Antone Mountains or south of Tonopah.

Smoky allotment. The route cuts through the center of the valley not along the road. Near Round Mountain it crosses the highway into Francisco.

Francisco allotment. (Plate 4, A & B4) There are two possible routes in Francisco. The southern route will follow the highway fence in the south pasture opposite Round Mountain approximately 3 ½ miles then turning southwest for 2 miles cutting approximately 640 acres off of the southeast corner of Francisco near the alfalfa field. The route has no benefit to the livestock operation. The rancher will loose a small amount of AUMs if the track does not cut through the winterfat flats. However it appears that the track will go through one of the winterfat flats. The rancher will need a reduction of permitted AUMS. This route does not appear to cut the rancher off

from developed waters. It may cut access off to the winterfat in the 640 acres in the southeast corner if no underpasses are put in.

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on page 6

The northern route will cut the north pasture in half making a east and west half. It will also divide the south pasture into east and west sides (40% east and 60% west). When the corridor is fenced, Francisco will be a 4 pasture allotment. This will allow for new grazing management options. Drainage underpasses could be used to move cattle in and out of pastures. There are few developed waters on the west side. This might cause some difficulties for the permittee. They will need to haul water to new pastures. Some forage may be lost to the new railroad right of way but it may not significantly effect the livestock operation if the railroad does not run through the winterfat flats. If the railroad does there may need to be a reduction of AUMs for the permit.

San Antone allotment. The Smoky valley route enters San Antone just south of Francisco allotment and travels south to the Cypress Mine and south near the paved road to the highway. The Monitor Valley route enters San Antone from the east just above the Cypress Mine and then follow the Smoky route south.

Monte Cristo allotment. The railroad would only cut off the far eastern corner of this allotment near Tonopah. This does not impact the livestock operation in Monte Cristo.

Montezuma allotment. The Carlin route would cut through the far northeastern corner of the allotment. The route then meets the Caliente route north of Goldfield and follows that route to Yucca Mountain.

Monitor allotment. The Monitor Valley route travels down the middle of Monitor Valley to just east of Belmont. At this point there is no permit on this allotment. In the future if use is permitted on Monitor the railroad will cut the allotment in half making a east and west pasture. When fenced this will make Monitor into a two pasture allotment allowing for new grazing management options. Drainage underpasses could be used to move cattle in and out of pastures. There may be a need to haul water to the new pastures. Some forage may be lost to the new railroad right of way but it will not significantly effect any future permit.

Ralston allotment-Stone Cabin Partnership and Colvin and Son The Monitor Valley route runs through Ralston allotment from Belmont to north of the San Antone Mountains. The southern route runs east of highway 376 to the Test Site near Mud Lake where it meets the Caliente route. This route would split the two smaller pastures into four pastures. The railroad corridor would possibly cut off part of the Thunder Mountain use area. If this occurs there would be access to the west side of the tracks through underpasses. There may need to be a small reduction in AUMs permitted in Thunder Mountain depending on the actual location of the tracks. Thunder Mountain is used on a temporary basis only. There is no permit in Ralston at this time.

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Hunts Canyon allotment-Stone Cabin Partnership The Monitor route runs south through the middle of Hunts Canyon allotment. This route will divide the Hunt's Canyon Allotment into east and west pastures. When fenced this will allow new grazing management options. Drainage underpasses could be used to move cattle in and out of pastures. There may be a need to haul water to the new pastures. Some forage may be lost to the new railroad right of way but it will not significantly effect any future permit if the tracks do not run through the winterfat flats in the center of the allotment. A reduction in AUMs may be necessary if winterfat is lost. This may affect the livestock operation. New grazing management in Hunts Canyon may alleviate the need for the temporary non-renewable permit outside the allotment by allowing periodic rests on Hunts Canyon. Water haul sites and access routes under the corridor would need to be established to make the pastures useable.

Razorback allotment. See the Caliente route.

The Caliente route appears to be less disruptive to livestock operations than the Carlin route. The Caliente route follows the Test Site boundary farther than the Carlin route can. Since the test Site boundary is already fenced and only one side of the railroad may need to be fenced. The portion of both routes which run through Montezuma, south of Stonewall, along the east of Highway 95, is in an area that is little used by livestock and may not require any fencing. The Caliente route would have less of an impact on range operations in our Field Station. There would be less impact if the train follows the test site boundary closely. Then only one fence would need to be built.

Threatened & Endangered Plants and State Sensitive Plants

State law requires you to survey for cacti along both routes.

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continued
on page 7

Both routes must be surveyed for T & E and State Sensitive plant species. Follows is a list of state sensitive plants which must be surveyed for.

Asclepia eastwoodiana, Eastwood Milkweed - Check all of both the Carlin and Caliente routes north of Stonewall Mountain. The plant usually grows in washes or low hills.

Astragalus funereus, Black Woolypod - Check both routes south of Scotty's Junction into the Test Site. It generally grows on hillsides.

Cymopterus ripleyi var saniculoides, Sanicle Biscuitroot - Check the Carlin route through Smoky Valley to Tonopah. The plant usually grows in sandy soils.

Penstemon arenarius, Nevada Dune Beard-tongue - Check all of both the Caliente route. The plant usually grows in sandy soils.

Sclerocactus nyensis - Check both routes from Tonopah south into the Test Site. It grows on soils derived from volcanic ash.

The Carlin route through Smoky Valley appears to go by or through Crescent Dunes T. 4 N., R. 41

3 continued E., plate 6. This area has recreation value along with a number of State Sensitive species. The train should be run through the far western edge of the corridor to avoid Crescent Dunes if this route is chosen. If any of the above plants are found, mitigating measures need to be implemented at that time.

Cultural Heritage Impacts

4 continued below Section 3.2.2.1.5. Page 1-112, Paragraph 2

The state repository for cultural files for Lander and Eureka Counties is the Nevada State Museum in Carson City; the Harry Reid Center does not have the records for these counties. Any overview for projects in Lander or Eureka Counties that fails to check the Nevada State Museum records is inadequate. In addition, since the majority of the land that will be impacted by the transportation alternatives is managed by the Bureau of Land Management, records in the various BLM field offices should have also been checked.

5 Section 3.1.13, Page 3-94-3-96

Esmeralda County needs to be included in the discussion on Environmental Justice

4 continued 1. Map submitted with EIS is too generalized. It doesn't provide enough geographic information. Proposed routes could impact any number of valleys and mountain ranges. Without specific geographic references it is difficult to determine the impacts.

2. While the plan generally describes proposed actions that will impact areas outside the Yucca Mountain Repository, the effected environment section of the EIS fails to discuss the resources and the potential impacts to resources outside area of Yucca Mountain. The "potential rail corridors" (Carlin and Caliente) and the "variations of potential rail corridors" go through some of the most culturally significant areas within the Tonopah Resource Area. Big Smoky, Monitor, Reveille, Hot Creek, and Oasis Valleys, all contain high concentrations of prehistoric sites. Additionally many of those sites and geographic locations are likely to be identified as TCP's. South Stone Cabin and Ralston Valleys contain numerous historic sites related to WWII. Many of the known sites located in previously mention locations do meet the criteria for significance as defined in the National Historic Preservation Act.

6 3. As in the previous discussion on archaeological sites in the area, the Native American Consultation section of the EIS fails to address the possible concerns of the various tribes and groups in regard to the proposed transportation routes. It is probable that they will have a large number of concerns, since the proposed actions will pass through culturally important areas that not only contain a large number of conventionally recognizable sites, but also less obvious, yet traditionally important, trails, geographic locations, plants, animals, and minerals.

Lands and Rights-of-Ways

7 continued on page 8 The document does not identify what land use restrictions will be associated with the new 1/4 mile wide railroad. Will this restrict locatable/leasable minerals, surface occupancy,

7 grazing, recreation, etc.?

continued

The number of acres disturbed will be much greater than discussed in the document. A railroad grade and associated road will exceed the projections. This does not consider the number of acres that will be disturbed by construction and access.

8 Section 1.5.1 (NOI & Scoping), Page 1-21, Paragraph 2

This section states that various entities were contacted before the NOI was published in order to encourage broad participation. This raises some questions:

- Were the affected land management agencies among those contacted?
- If so, how was the contact done – that is, was it formal or informal, written or verbal?
- Were affected agencies offered the opportunity to participate as cooperating agencies?

9 Section 2.6 (Preferred Alternative), Page 2-87

Which transportation scenario is preferred? this should be included with the preferred alternative.

10 Section 6.1.2.1 (Land Use), Page 6-9, Paragraph 2

The document states that the Air Force has identified a national security issue with the Chalk Mountain alternative. However, this alternative affects less land and fewer people than the other alternatives do. In fact, the Air Force's tight security could be a benefit in that there would be less access to the transportation route, thereby reducing the chance of accidents or sabotage. Therefore, ways to alleviate the Air Force's concerns, should this alternative be chosen, should be identified and analyzed.

If the decision has already been made to eliminate alternatives not favored by the Air Force, that fact should be stated, and such alternatives should be listed with "*Alternatives Considered but Eliminated from Detailed Study.*"

11 Section 11-1, Page 11-2, Table 11-1, item 15

Table appears to say that a right-of-way reservation would be needed to allow construction of the facility; this is incorrect. While right-of-way reservations are appropriate for site characterization studies, and for transportation routes, the actual facility would be on land withdrawn from operation of the public land laws for that express purpose. Other places in the EIS talk about a land withdrawal for the facility site.

Please note that paragraph 2 under FLPMA (page 11-4) references Table 11-1, item *14*, not item 15.

Section 11-2-8 (Use of Land & Water Bodies), Page 11-16

Taylor Grazing Act paragraph: The Taylor Grazing Act is NOT the authority for rights-of-way, or for withdrawals.

Rights-of-way, including right-of-way reservations to Federal agencies, are authorized by Title V of the Federal Land Policy and Management Act of 1976 (FLPMA). Section 507 of FLPMA specifically addresses rights-of-way for Federal agencies.

Section 204 of FLPMA authorizes withdrawals.

11
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Section 11.4 (Federal Regulations), Page 11-21, Table 11-3
43 CFR 4100 contains regulations pertaining to grazing administration.

Regulations for rights-of-way are found at 43 CFR Subpart 2800. Right-of-way reservations to Federal agencies are specifically addressed at 43 CFR 2807.

Wildlife Comments

To make an accurate assessment to impacts to biological resources, a more detailed map will be needed.

The EIS and Appendix J had little information on affected environment and impacted environment to biological resources. A list of BLM Sensitive Species that may be affected for the rail routes were not included and were referenced only as a number of SSS. What about sensitive/non sensitive bats? These proposed routes will cross foraging habitat areas.

Carlin Rail Corridor

The proposed rail lines will cross through crucial habitat for the Western sage grouse. The routes will most likely have an affect on lekking, nesting, wintering birds, and predation of sage grouse. Studies conducted on the Modoc have shown adverse impacts to sage grouse leks and populations from overhead transmission lines. Sage grouse will be disturbed on leks (in close proximity of rail line), predation and nest loss will likely increase along the rail routes due to associated facilities (i.e. transmission lines that provide predator perches), and habitat fragmentation. Numerous other sensitive species need to be addressed.

Wetland habitats in Oasis Valley near Beatty, are currently being considered for an ACEC nomination under a Land Use Plan Amendment. A conservation agreement and strategy for the Amargosa toad is currently in draft form and will provide for management direction in/near toad habitat. ,

Has consultation with USFWS begun on desert tortoise?

Caliente Rail Corridor

Where is the location of Railroad Valley springfish on this route? Numerous other sensitive species need to be addressed.

Also issues addressed in the Carlin Route: tortoise, Amargosa-Oasis ACEC, and sage grouse to a lesser extent.

The discussion of special status species (raptors, sage grouse, plants, etc.) is inadequate and almost non-existent.

Minerals Comments

13

The "Carlin" rail transportation corridor passes through Cortez Canyon and adjacent areas which have a high potential for containing valuable mineral deposits. The document indicates that no preferred transportation corridor has been selected and that if//when such specific routes are to be selected additional field surveys, resource analysis, consultation, and NEPA review will be initiated. Also, Appendix J indicates that one of the alternative routes associated with the "Carlin" corridor would circumvent the Cortez area. The document provides no detailed maps depicting the corridors and the potential for additional significant mineral development in the Cortez area is a real possibility and could pose a definite conflict with the proposed rail corridor.

There is no discussion of the Cortez Gold Mine in the discussion of the Carlin corridor. |

Water Resources

14

There is no specific reference to any model that was used, other than modeling was done for the unsaturated zone or a 3-D model was developed for the saturated zone. What are the names of the models used? |